

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 7, 2003

CALL TO PODIUM:

Mark DePoe

RESPONSIBLE STAFF:

Mark DePoe,
Long Range Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing "JOINT"
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	7/02/2003
	7/09/2003
Hearing Date	7/21/2003
Record Held Open	9/10/2003
Policy Discussion	9/15/2003

TITLE: RESOLUTION

MP-1-03: Master Plan Amendment, 2003 Master Plan Land Use Element and Process and City Overview.

SUPPORTING BACKGROUND:

Gaithersburg, as an incorporated city, is subject to Article 66B--Land Use, of the Annotated Code of Maryland. Section 3.05, of Article 66B, requires that the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. Section 3.05(a)(1) requires that the Planning Commission "shall make and approve a plan which the commission shall recommend" to the Mayor and City Council.

The Master Plan is made up of a number of specific Elements and a decision was made to review and update each Element individually. The first element to be amended is the 2003 Land Use Element. The 2003 Land Use Plan Element Master Plan Amendment is recommending, revising and amending the City's current Master Plan. The land use proposals described in the draft 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the Master Plan.

The Mayor & Council and Planning Commission held a Joint Public Hearing on July 21, 2003. The Planning Commission record was closed as of September 2, 2003. The Planning Commission at their September 3, 2003 meeting reviewed the proposed Master Plan Amendment and has forwarded their recommendation of approval to the Mayor and City Council. The Mayor and City Council record was closed as of September 10, 2003. The Mayor and City Council held their Policy Discussion on September 15 in which the main issues raised were the removal of the residential conversion formula for Map Designation 26 and the need for multiple options for five (5) of the Map Designations. The 2003 Land Use Plan Element Master Plan Amendment has been revised accordingly. [Exhibit 1]

Per the discussions from the joint public hearing, the Planning Commission recommendation of approval, and the Mayor and City Council policy discussion staff has drafted and attached a resolution which adopts the proposed Master Plan amendment. A revised tentative schedule to begin the amendment and review of the remaining Master Plan Elements and five Special Study Areas will be available to the public in the near future.

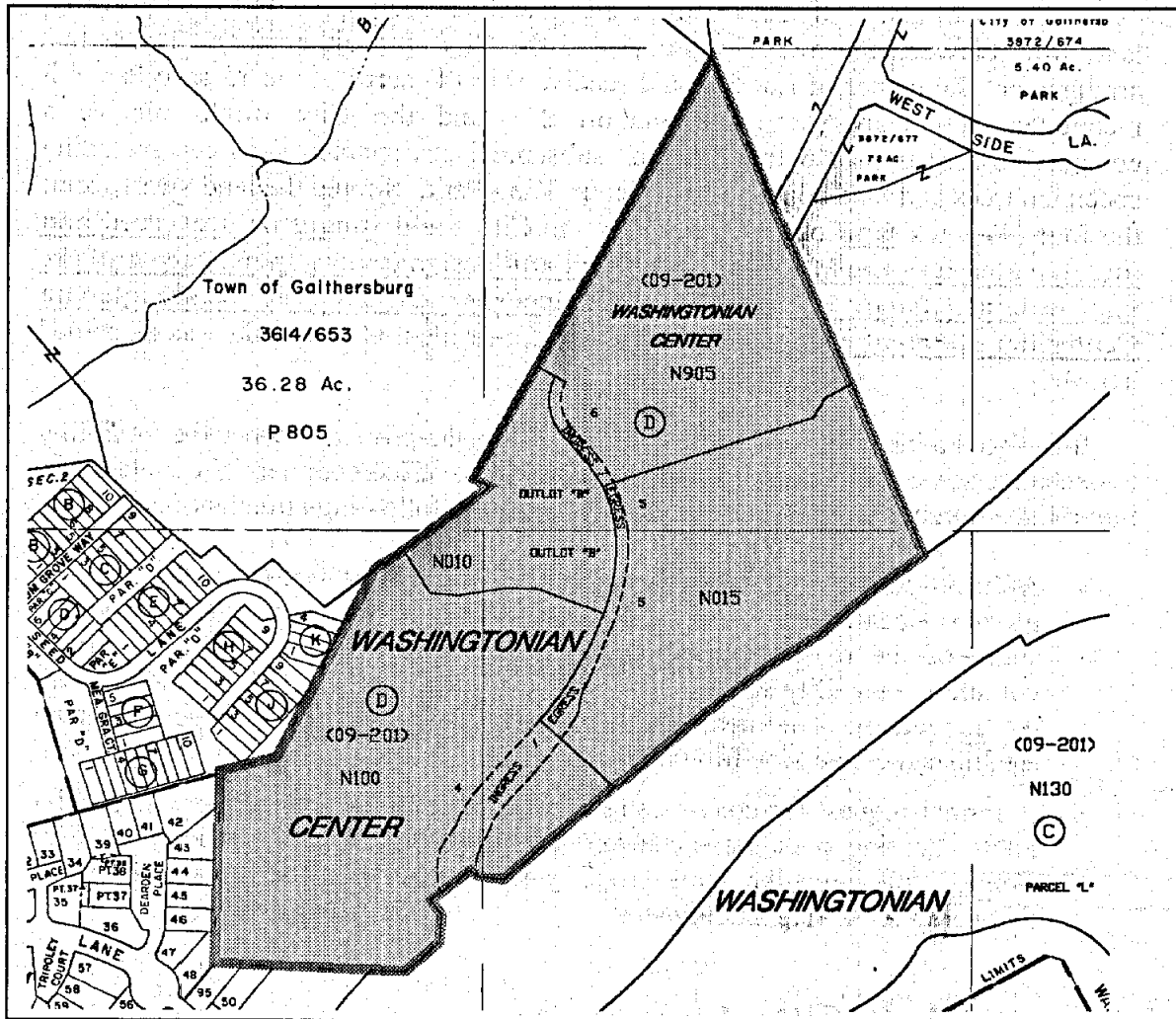
Attached:

Exhibit 1: Redline Version of Changes to Map Designations 26 and 38
Exhibit 2: Redline Resolution Adopting Master Plan Amendment
Exhibit 3: Resolution Adopting Master Plan Amendment
Draft 2003 Land Use Element [Previously Distributed]

DESIRED OUTCOME:

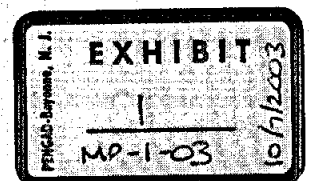
Adopt Resolution Adopting Master Plan Amendment MP-1-03.

26. Retain Lots 4 and 5 and part of Lot 6 Block D Washingtonian Center as Commercial/Industrial-Research-Office. Designate Outlot B and part of Lot 6 Block D Washingtonian Center as Open Space.



This 27-acre area is located north of Sam Eig Highway and is known as Washingtonian North. The current land use designation limits development to office, research and residential development uses. Access to this area is provided by a bridge over Sam Eig Highway that links the two sides of the Washingtonian Center.

The land use designation will limit development to office, and research and development uses. Permitted office buildings are limited to the square footage cap outlined in the annexation agreement and accompanying sketch plan, with supporting businesses that are incidental to the main use and contained within a nonresidential building. Commercial development in the form of large, freestanding retail establishments are not consistent with this land use designation and are not permitted. Twenty-four-hour convenience uses should not be considered within this map designation.



Noise attenuation should be achieved by siting buildings adjacent to Sam Eig Highway and state-of-the-art storm water management practices must continue to be in place to protect Malcolm King Park and Muddy Branch Creek as these lots develop.

A portion of Lot 6 Block B is to be designated as open space and is subject to a land swap between the owner of Lot 6 and the City Of Gaithersburg. Under this arrangement the owner of Lot 6 would receive four (4) acres of the 13-acre Parcel 3 mentioned previously (Map Designation 25), and the City would receive a comparable area of Lot 6 that contains substantial environmental assets, including specimen trees and land adjacent to Malcolm King Park. Should the land swap occur, the four (4) acres land obtained from by the City could should be preserved and incorporated into the Malcolm King Park and designated as open space and the land obtained from the City should be incorporated into the Washingtonian Center development. used as part of the area for residential conversion, as discussed below.

~~It is also the intent of this land use plan to allow the property owner the flexibility to exchange some of the permitted square footage for office/commercial development into a fixed number of residential units only under the following circumstances:~~

- ~~• After 50 percent of the Washingtonian Center Waterfront (southern portion) property located north of the existing Rio Entertainment building and the south of the existing Washingtonian Center retail development has been completed, the City will allow the developer to seek an SDP amendment for the conversion of nonresidential square footage to residential uses under an established conversion formula.~~
- ~~• A formal request for conversion must be made by the property owner, and a public hearing must be conducted by the Planning Commission and City Council following the same property posting and notification requirements that pertain to a map amendment.~~

Conversion Formula for Map Designation 26

~~Two Thousand (2,000) square feet of commercial/industrial research-office space may be converted to one residential unit, up to a limit of 220 total residential units. This residential cap translates into the conversion of 440,000 square feet into residential units. Furthermore, any dwelling units included in an amended SDP that uses the conversion formula must contain a substantial amount of single-family detached units. Realistic efforts will be made to protect the environmental conditions of the adjacent City parcel. The City will require at least a 100-foot buffer or setback between this development and the existing Shady Grove Village, that will be determined at SDP discussions.~~

~~The remaining commercial/industrial research-office area must be located adjacent to Sam Eig Highway so as to provide a noise buffer for the proposed new residential units and existing homes. This office-commercial buffer must be integral to and architecturally compatible with the proposed residential units. Specific uses for this map designation will~~

be reviewed and approved by the City Council at the time of SDP approval.

The conversion formula will allow for the change of 1 unit = 2,000 square feet, based upon a preliminary traffic study and school impact study submitted at the time of the conversion request. The traffic study must show that peak hour trip reductions in both morning and afternoon time periods will be 30 to 50 percent less than would be generated by the comparable office development square footage.

A reduction in the parking requirements for the residential units will be considered, provided that (1) adequate bus service and pedestrian/bicycle connections are available, and (2) the reduced parking will provide a larger buffer for Malcolm King Park and the adjacent City parcel. The school impact study must show that the surrounding public schools can accommodate the increased enrollment, as estimated by both Montgomery County Public Schools and City staff, without the use of additional "relocatable classrooms". As part of the SDP approval, the applicant will be required to provide adequate all-weather pedestrian and bicycle connections to the nearest public schools, to help reduce dependence on buses and automobiles for school commuting. At the time of conversion, an overall SDP showing the layout of the entire 27-acre property must be submitted, including existing, proposed, and surrounding development.

For any proposed development, a study should be conducted to determine if West Side Drive could be extended to connect to Washingtonian Boulevard through future planned development. A multi-use path should also be considered through this property in lieu of a future road extension. This could be accomplished over the area previously disturbed by an existing sewer line.

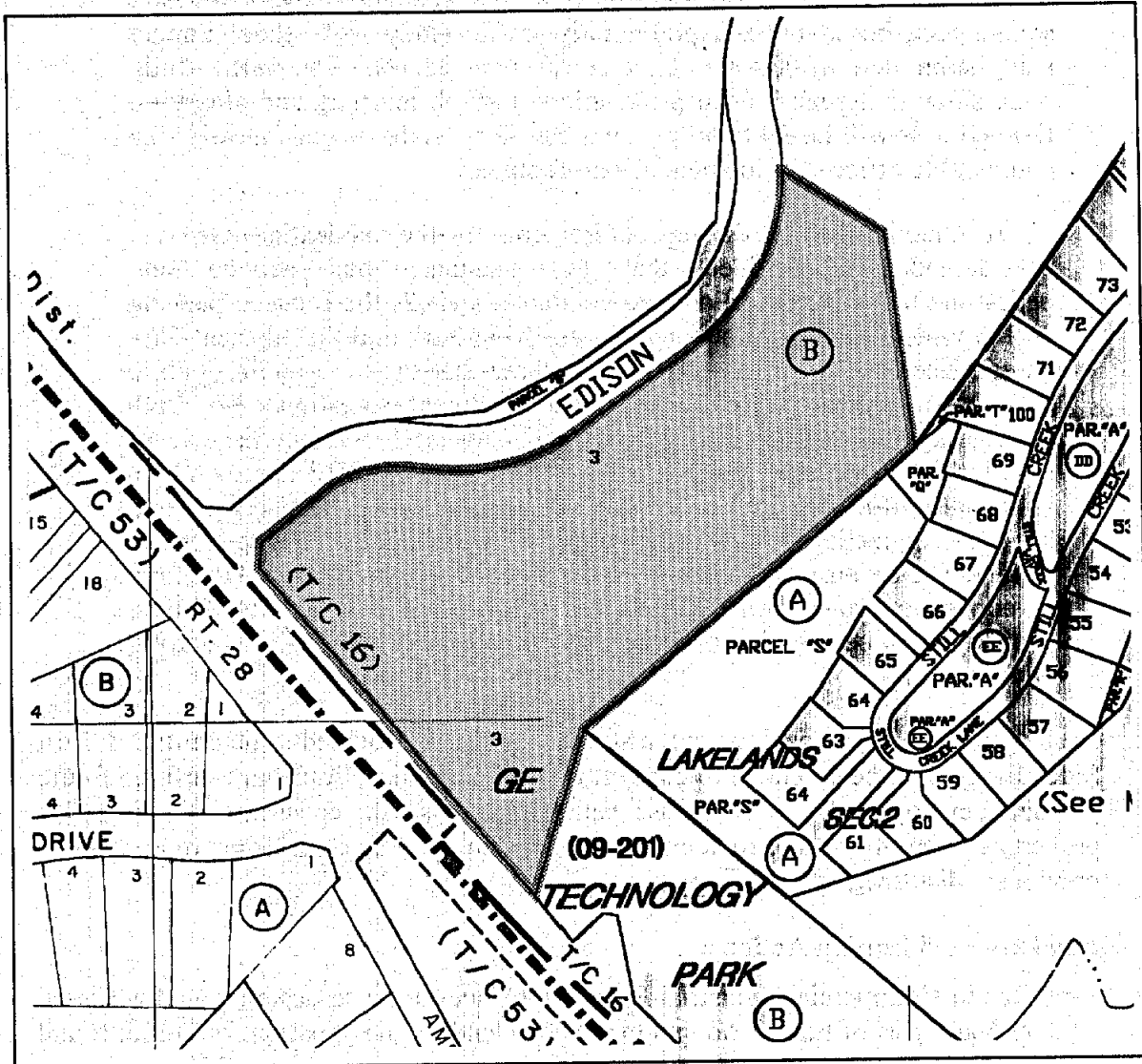
Land Use and Zoning Actions:

- Retain Commercial-Industrial-Research-Office land use designation for Lots 4 & 5 and part of Lot 6. Adopt Open Space land use designation for Outlot B and part of Lot 6.
- Zoning remains MXD.

Special Condition: (Subject to additional public hearing)

If the land swap occurs, the portion of Lot 6 given to the City shall be designated open space and zoned R-A and the portion of Lot 6 given to the developer of the Washingtonian Center property (Map Designation 26) shall be designated Commercial-Industrial-Research-Office with the zoning remaining MXD.

38. Designate Lot 3 Block B G.E. Technology Park as Institutional.



This City-owned lot is proposed to be the site of the City's planned Lakelands Recreational Center, which will include indoor swimming facilities, locker rooms, gym, and multi-purpose rooms. ~~The site was purchased via the land exchange with Montgomery County Public Schools to locate Lakelands Park Middle School adjacent to the Lakelands Park.~~ Construction of the aquatic facility will be implemented via the City's Capital Improvements Program.

Land Use and Zoning Actions:

- Designate as Open Space land use designation
- Recommend Zoning change from MXD to R-A

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING AN AMENDMENT TO THE GENERAL PLAN
FOR THE CITY OF GAITHERSBURG MASTER PLAN
LAND USE ELEMENT AND PROCESS AND CITY OVERVIEW

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON SEPTEMBER 3, 2003

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON SEPTEMBER 15, 2003

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommends the same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

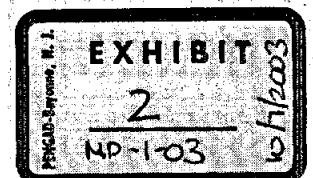
WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Mayor and City Council have held a series of public sessions to work on elements of the text of recommendations to include in this Master Plan Amendment, including certain special study areas and map designations; and

WHEREAS, the Planning Commission held a joint public hearing with the Mayor and City Council on July 21, 2003, on a proposed amendment to the General Plan revising and amending the Master Plan Land Use element and process and city overview, and after careful survey and study of present conditions and anticipated future growth to the City and the adjacent area, the Planning Commission approved Resolution No. PCR-2-03 on September 3, 2003, being the approval of a master plan amendment entitled 2003 Master Plan Land Use Element and Process and City Overview, and transmitted an attested copy of the same as its recommendation to the Mayor and City Council which is hereby attached and incorporated as part of this resolution; and

WHEREAS, the General Plan and amendments made from time to time, provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that a general plan amendment known as 2003 Master Plan Land Use Element and Process and City Overview, thoroughly reviewed by the legislative body during the joint public hearing conducted on July



21, 2003, approved by the City Planning Commission on September 3, 2003, and recommended to the legislative body (as PCR-2-03) is hereby adopted by the Mayor and City Council as an amendment to the General Plan for the City, the *1997 City of Gaithersburg Master Plan*, as heretofore amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, pursuant to the adoption of PCR-2-03 and all subsequent Resolutions by the City Council, are hereby approved and ratified to the extent not inconsistent with this Resolution **subject to the following revisions to:**

- **Pages 88 and 89, Map Designation 26, Eliminate the last sentence of the fourth paragraph that begins, "Should the land swap occur...". Eliminate the fifth paragraph that begins, "It is also the intent of this land use plan..." Eliminate the "Conversion Formula for Map Designation 26" section.**
- **Page 88, Map Designation 26, Add the sentence, "Should the land swap occur, the land obtained by the City should be preserved and incorporated into the Malcolm King Park and designated as open space and the land obtained from the City should be incorporated into the Washingtonian Center development and designated as commercial-industrial-research-office." to the end of the fourth paragraph. In addition the Land Use and Zoning Actions shall be changed to reflect the above land use recommendations.**
- **Page 104, Map Designation 38, Eliminate the second sentence in the first paragraph that discusses the land exchange of the property.**

Maps and illustrative material may be revised where necessary to conform to City Council actions. The text may be revised as necessary to achieve clarity and consistency and to convey the actions of the City Council.

ADOPTED by the City Council this 7th day of October, 2003.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
on the 7th day of October, 2003.

David B. Humpton, City Manager

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING AN AMENDMENT TO THE GENERAL PLAN
FOR THE CITY OF GAITHERSBURG MASTER PLAN
LAND USE ELEMENT AND PROCESS AND CITY OVERVIEW

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON SEPTEMBER 3, 2003

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON SEPTEMBER 15, 2003

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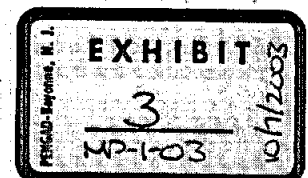
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